

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM H. STEINBRINK, M.D. and)
PATRICIA M. STEINBRINK, his wife,)
and)
BAYSIDE OBSTETRICS)
GYNECOLOGY INFERTILITY, INC.)
401(k) PROFIT SHARING PLAN,)
Plaintiffs,	
v.)
Civil No. 01-382 Erie	
ROTHSTEIN, KASS & COMPANY,)
P.C.,)
Defendant.	

Order

AND NOW, to-wit, this 19th day of March, 2008, for the reasons set forth in the Opinion accompanying this Order, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. Defendant Rothstein, Kass & Company P.C.'s Motion to Dismiss Plaintiff's Second amended Complaint (Doc. 50) be and hereby is GRANTED insofar as Plaintiffs' claims of professional negligence and negligent misrepresentation fail to state a claim upon which relief can be granted because Plaintiffs are not in privity with Defendant.
2. Plaintiffs' Motion for Discovery (Limited) (Doc. 56) be and hereby is DENIED.
3. RKC's Motion to Dismiss for Failure to File a Certificate of Merit (Docs. 66/68) be and hereby is DENIED as moot.

The Complaint is dismissed and the Clerk of Courts be and hereby is directed to mark this case closed.

Maurice B. Cohill, Jr.

Maurice B. Cohill, Jr.
United States District Court Judge

cc: counsel of record